

STANDARDS COMMITTEE

6.30pm on Wednesday 19th September 2018
Staincliffe Suite, 1 Belle Vue Square, Broughton Road, Skipton.

Committee Membership: Councillors Ireton (Chairman), Mason, Mercer, Solloway and Whitaker.

Parish Council Representatives (non-voting): Veronicka Dancer, Michael Rooze and Robert Stead.

Independent Persons (non-voting): John Boumphrey, Peter Charlesworth and Roger Millin.

AGENDA

1. **Apologies for Absence**
2. **Confirmation of Minutes** – 4th July 2018 attached.
3. **Public Participation** – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “***disclosable pecuniary interest***” under Appendix A to the Council’s Code of Conduct, or “***other interests***” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Annual Report of Complaints Received by the Council** – Joint report of the Solicitor to the Council (Monitoring Officer) and Information Governance Manager. Attached.

Purpose of Report – To provide the Committee with a copy of the Ombudsman’s Annual Letter 2018 and also information about complaints received for the period 1st August 2018 to 1st August 2018.

6. **Local Hearing** – Report of the Solicitor to the Council (Monitoring Officer). Attached.
Purpose of Report – To report the outcome of a standards complaint.
7. **Dispensation Scheme** – Report of the Solicitor to the Council (Monitoring Officer). Attached.
Purpose of Report – To review the Council's Dispensation Scheme.
8. **Monitoring Report** – Report of the Solicitor to the Council (Monitoring Officer). Attached.
Purpose of Report – To update Members following the last report to Committee on the 4th July 2018.
9. **Officers' Code of Conduct** – Report of the Solicitor to the Council (Monitoring Officer). Attached.
Purpose of Report – To seek Members' views on a proposal to issue supplemental guidance to support the Officers' Code of Conduct.
10. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Agenda Contact Officer: Vicky Davies,
Tel. 01756 706486, e-mail vdavies@cravenc.gov.uk
11th September 2018

If you would like this agenda or any of the reports listed in a way which is better for you, please telephone 01756 706494.

Recording at Council Meetings

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to

- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and
- (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Agenda Contact Officer (details above) prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.

Emergency Evacuation Procedure

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section's representative.

STANDARDS COMMITTEE

4th July 2018

Present – Councillors Ireton (Chairman), Mercer, Solloway and Whitaker.
Independent Persons (non-voting) : John Boumphrey and Roger Millin. **Parish Representatives** : Veronicka Dancer

Officers – Solicitor to the Council (Monitoring Officer) and Partnerships Officer.

Apologies for absence were received from Independent Person Peter Charleworth, Parish Representatives Michael Rooze and Robert Stead.

Start: 7pm

Finish: 8.10pm

The minutes of the Committee's meeting held on 25th April 2018 were confirmed and signed by the Chairman.

Minutes for Report

STN.343

EQUALITIES AND DIVERSITY

Further to Minute STN.339/17-18, the Partnerships Manager submitted a briefing paper setting out the duties places on public bodies as defined in the Equality Act 2010. These duties also applied to parish councils and parish meetings constituted under Section 13 of the Local Government Act.

The Equality Act 2010 stated that people must not be treated unfairly because of age, disability, sex (gender), gender reassignment, sexual orientation, race, religion or belief, pregnancy or maternity, marriage or civil partnership.

The Committee noted that Craven District Council was already delivering its commitment to equalities in a number of ways and these were highlighted in the report and expanded upon by the Partnerships Officer who responded to Members' questions. Members noted that the Partnerships Officer was currently reviewing how the Council was carrying out Equality Impact Assessments and also how equalities monitoring was undertaken.

Resolved – That, the report is noted and that the Partnerships Officer is asked to present a report in twelve months' time setting out the findings of the review and any proposed actions etc.

STN.344

WORK PROGRAMME 2018/19

The Solicitor to the Council (Monitoring Officer) submitted a report asking Members to consider and set the work programme of the Committee for the 2018/19 municipal year. In addition, the report highlighted the work that the Committee had achieved during 2017/18.

Two items from the 2017/18 work programme were incomplete and would be carried forward to the 2018/19 programme. These were the audit of Parish Council's Code of Conduct and Register of Interests and the review of Craven's Code of Conduct for District Councillors.

Resolved – (1) That, the work of the Committee during 2017/18 is noted.

(2) That, the Committee's work programme for 2018/19 includes the following areas of work:

- Audit of Parish Councils' Code of Conduct and Register of Interests
- Review of the Code of Conduct for Members
- Review of the Council's Dispensation Scheme
- Review of the Council's awareness of the 7 principles of public life

STN.345

MONITORING REPORT

The Solicitor to the Council (Monitoring Officer) submitted a report updating Members on the Code of Conduct complaints received and the status of existing complaints since the last report to Committee on the 14th March 2018.

Resolved – That, the monitoring report is noted.

STN.346

MEETINGS - START TIME

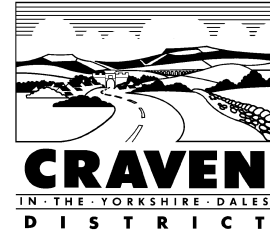
Resolved – That for the remainder of the current municipal year, meetings of this Committee start at 6.30pm.

Minutes for Decision

- None -

Chairman

Standards Committee – 19th September 2018



ANNUAL REPORT OF COMPLAINTS RECEIVED BY THE COUNCIL

Joint report of the Solicitor to the Council (Monitoring Officer) and Information Governance Manager

Ward(s) affected: ALL

1. **Purpose of Report** – To provide the Committee with a copy of the Ombudsman's Annual Letter 2018 and also information about complaints received for the period 1 August 2017 to 1 August 2018.

2. **Recommendations** – Members are recommended to note:

2.1 This report;

2.2 The improvements in the complaints handling procedure that have been implemented in the past year;

2.3 The outcome of an internal audit review;

2.4 The Ombudsman's Annual Letter 2018.

3. **Report**

3.1 **Introduction**

As a public authority dealing with a wide range of services to the local community, it is important that complaints about the way that services are delivered are taken seriously, so that appropriate remedial action is taken quickly, and relevant lessons can be learned.

3.2 **Background**

This report summarises how the Council has performed in the past year when dealing with complaints, and how it uses the feedback from complaints to improve services. It excludes certain matters which are dealt with other statutory processes, for example appeals against planning decisions, or appeals against housing benefit decisions.

Also included is a copy of the Local Government and Social Care Ombudsman's ('the Ombudsman's') Annual Letter for 2018, and summary of cases dealt with.

3.3 Definition of a 'Complaint'

The Ombudsman investigates complaints about local authorities, and certain other organisations, and advises local authorities to use the following definition of a complaint for the purposes of local complaints procedures:

'An expression of dissatisfaction about Council Services that requires a response'

We expect that cases referred to the Council as a complaint, will be dealt with under the Council's Complaints Procedure, where, for example, it is alleged that the Council has:

- Done something badly, or in the 'wrong' way;
- Done something that we should not have done;
- Failed to do something that we should have done;
- Acted unfairly or impolitely;
- Not responded to a request for service;
- Acted contrary to the Council's policies and procedures.

The above definition is published on the Council's website, and is used by officers in deciding whether an individual matter is to be dealt with under the Procedure. The focus is on the *way* that the particular service has been delivered, rather than on the *outcome*, and the Council is obviously committed to delivering high quality services to residents.

Matters that are raised by residents that do not fall within the above definition, for example a *request* for a service, or requests for *information*, are not dealt with as 'complaints', and are referred to the relevant service area to be dealt with as normal business correspondence.

Each stage of the formal complaints procedure has strict time limits and a right of appeal (or redress) attached, so it is important that complaints and other enquiries are dealt with appropriately in order that officers' time is properly focused.

3.4 Stages in the Complaints procedure

The standard response times and responsibilities for replying to complainants are as follows:

- If the matter can be resolved very quickly (e.g. by Customer Services) – 5 days
- Stage 1: If the complaint is referred to Service Manager or area - 10 days
- Stage 2: If the complainant is dissatisfied with Stage 1 decision - response by Chief Executive (or Director on CE's behalf) – 10 days

3.5 Volumes of complaints and performance

In the year since 1 August 2017, 75 complaints were received and formally dealt with under the Complaints Procedure. The first table in the Annex analyses the complaints received and dealt with at Stage 1 (Service Level) in that period. Since 1 August 2017, the way that complaints were handled was reviewed and the processes were extensively amended. Consequently the details of complaints received in the previous year are not readily available or directly comparable. Some complaints will inevitably take longer than the target dates to finally respond. However the Ombudsman suggests to complainants that they give authorities up to 12 weeks to deal with any given complaint.

The second table in the Annex analyses the information in respect of complaints dealt with at Stage 2 (Chief Executive level) in the same period.

3.6 Matters not dealt with as complaints

In addition to the above, the Council also receives a number of formal letters and enquiries, often addressed to the Chief Executive, for examples from residents or elected representatives on behalf of a resident, which either request a service, seek information to assist a resident. These are not dealt with as 'complaints' in accordance with the Complaints Procedure, but nevertheless do require a formal response, and a record is kept of these. Responses made to these types of enquiries do not attract the appeal rights associated with complaints.

3.7 Improvements in internal procedures and new guidance

In line with the practice in other authorities, the Council has appointed the Monitoring Officer as 'Link Officer' (who is responsible for liaising with the Ombudsman's office).

In August 2017, the Leadership Team decided to create the post of Complaints Manager, and combine this with the Information Governance Manager's role. Following this a review was undertaken of the management of the Council's complaints processes, and the following improvements made:

- A new control system which tracks each complaint and retains relevant correspondence;
- Standardised letter templates used for corresponding with complainants (including the relevant rights paragraphs in each);
- New guidance provided to officers who deal with complaints correspondence;
- The creation of a single contact point in Waste Management Operations ensuring that cases are dealt with promptly.

These improvements have contributed in turn to better handling of complaints and related enquiries.

3.8 **Internal Audit Review**

Shortly after the Complaints Manager was appointed, an Internal Audit Review was undertaken, and in December 2017, this reported a 'Significant Level of Assurance' in complaints handling by the Council, taking account of the new processes and improvements that had been introduced.

3.9 **Ombudsman Annual Letter 2018**

A formal review letter is produced by the Ombudsman and sent to local authorities each year, which summarises statistics in respect of complaints received by the Ombudsman, and the action taken.

Individuals can complain to the Ombudsman at any time, but if the person has not exercised their rights under the particular Council's procedure, the Ombudsman will normally refer the individual to the relevant local authority to continue with their complaint with that authority first.

In the year to April 2018, the Ombudsman's office received nine complaints in respect of the Council (including six relating to planning services and two in respect of benefits), and dealt with six of those. In only one case (a planning matter) the complaint was upheld on the grounds of maladministration, but the Ombudsman ruled that the complainant had not suffered any injustice in consequence, so no remedial action was required. In the remaining cases, one was closed, and the others referred back to the Council because the complainant had not exercised their rights under the Council's complaints procedure.

3.10 **Lessons learned**

The Ombudsman has not made any specific recommendations to the Council. In the one case which was upheld, it was found that a record had not been checked before a response was given to a resident, which was the source of the maladministration in that case, although there was no impact on the particular planning decision.

3.11 **Conclusion**

The number of complaints received by the Council represents a very small proportion of the overall responses to the many millions of individual business transactions that the Council conducts each year with people living and working in the Craven District.

Given the relatively small size of the Council, we do not expect that many complaints would be received, however, it is significant that the Council makes in excess of 1.6 million domestic waste and recycling collections annually, so some complaints about the delivery of this service might be inevitable, in view of the

nature of domestic waste operations, and the manual handling processes involved. This is reflected in the fact that complaints about Waste Management operations attract most complaints. In addition, planning applications will inevitably result in some dissatisfied residents or indeed applicants. While the latter to have the statutory right of appeal, objectors do not. In 2017/18, the Local Planning Authority made 950 planning decisions.

Equally, it is essential - taking account of the potential impact of austerity measures on services - that the Council deals actively, constructively and positively with complaints as they arise, and improves service delivery where appropriate.

4. **Implications**

4.1 **Financial Implications** – There are no direct financial implications arising from this report. There is no specific budget for compensation payments, were any to be deemed necessary. All improvements in complaint handling have been managed within existing revenue budgets.

4.2 **Legal Implications** – There are no specific legal implications arising directly from this report aside from the need, when exercising its functions, for the Council to due regard to its obligations under the public sector equality duty covering the nine protected characteristics identified in the Equality Act 2010. All complaints are dealt with equally, and responses are checked to confirm compliance with the Complaints Procedure.

4.2 **Contribution to Council Priorities** – Not applicable.

4.4 **Risk Management** – Not applicable.

4.5 **Equality Analysis** – Not applicable.

5. **Consultations with Others** – None.

6. **Access to Information: Background Documents** –

Internet link to complaints procedure: <https://www.cravendc.gov.uk/contact-craven-district-council/complaints-and-comments/>

Complaints guidance to officers (not included but can be supplied if required)

7. **Author of the Report** –David Roper-Newman

Telephone number: 01756 706336

Email: droper-newman@cravendc.gov.uk

8. **Appendices** – Ombudsman Letter and Appendices

Complaints Statistics

Period 1 August 2017 to 31 July 2018

Table 1: Complaints received and dealt with at Stage 1 (Service Manager)

Service Area	No. Received	No replied to	Responses	
			In time	Out of time
Waste Management	34	33	25 (76%)	8
Planning	13	13	8 (61%)	5
Assets/Property/Car Parking	9	9	8 (89%)	1
Craven Leisure	8	8	7 (88%)	1
Revenues & Benefits	5	5	5	0
Programme/Venue Development	2	2	2	0
Environmental Health & Licensing*	1	1	1	0
Business Support	1	1	1	0
Street naming	1	1	1	0
Building Control	1	1	1	0
Totals	75	74	59 (80%)	15

* the complaint related to both service areas

Table 2: Complaints received and dealt with at Stage 2 (Chief Executive)

Number received	No. of responses
6	6

Local Government &
Social Care
OMBUDSMAN

18 July 2018

By email

Paul Shevlin
Chief Executive
Craven District Council

Dear Paul Shevlin,

Annual Review letter 2018

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

Future development of annual review letters

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new corporate strategy for 2018-21 which commits us to more comprehensively publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to the improvements councils have agreed to make following our interventions. We will therefore be seeking views from councils on the future format of our annual letters early next year.

Supporting local scrutiny

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at www.lgo.org.uk/scrutiny I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

Learning from complaints to improve services

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the reports and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Local Authority Report: Craven District Council
For the Period Ending: 31/03/2018

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	2	0	0	0	1	0	6	0	9

Decisions made

Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Detailed Investigations		Total
				Not Upheld	Upheld	
0	0	4	1	0	1	6
				Uphold Rate		
				100%		

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations. The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

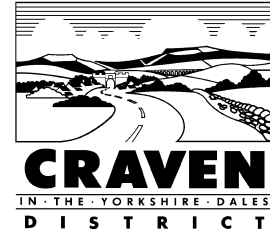
Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
0	0

Reference	Authority	Category	Received
17000933	Craven District Council	Planning & Development	19/04/2017
17002222	Craven District Council	Planning & Development	11/05/2017
17002816	Craven District Council	Planning & Development	22/05/2017
17006608	Craven District Council	Planning & Development	24/10/2017
17015696	Craven District Council	Planning & Development	13/03/2018
17017681	Craven District Council	Benefits & Tax	09/02/2018
17017822	Craven District Council	Planning & Development	13/02/2018
17018804	Craven District Council	Highways & Transport	01/03/2018
17019446	Craven District Council	Benefits & Tax	14/03/2018

Reference	Authority	Category	Decided	Decision	Remedy
17000933	Craven District Council	Planning & Development	25/05/2017	Referred back for local resolution	Null
17002222	Craven District Council	Planning & Development	09/09/2017	Upheld	Null
17002816	Craven District Council	Planning & Development	22/05/2017	Referred back for local resolution	Null
17006909	Craven District Council	Planning & Development	22/11/2017	Closed after initial enquiries	Null
17017822	Craven District Council	Planning & Development	23/02/2018	Referred back for local resolution	Null
17016448	Craven District Council	Benefits & Tax	14/03/2018	Referred back for local resolution	Null

Standards Committee – 19th September 2018



LOCAL HEARING

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: Gargrave and Malhamdale

1. **Purpose of Report** – To report the outcome of a standards complaint.
2. **Recommendations** – Members are recommended to note the outcome of a complaint about the conduct of District Councillor Alan Sutcliffe.
3. **Report**
 - 3.1 In June 2017, a number of complaints were made that District Councillor Alan Sutcliffe had failed to comply with the Council's Code of Conduct (the Code) in that he:
 - (I) At a meeting of the Planning Committee held on the 13th March 2017 the Committee resolved that consideration of application 63/2016/17465 be deferred to ***'enable the attendance of a representative of the Highway Authority to respond to concerns in respect of the cumulative traffic impact of this and other proposed developments in the vicinity – Wyvern Park – and the relationship between this development and highway improvements associated with Wyvern Park proposal, namely, the proposed mini roundabout to be provided in Carleton Road connecting Carleton Road via a link road to the A629'*** (minute PL.821).

At a subsequent meeting of the Committee, it is alleged that Councillor Sutcliffe (who is Chairman of the Planning) told the Committee that the Highway Authority had declined to attend but had submitted a written report. The application was approved on the Chairman's casting vote (minute PL.831).
 - (II) On the 21st June 2017 at a public meeting, an officer of the Highway Authority was asked why he had not attended the District Council's Planning committee meeting. It is further alleged that the officer told the meeting that he had been instructed by the Chairman of the Committee not to attend.

After obtaining the views of the Independent Person, the Monitoring Officer referred the complaints for investigation.

- 3.2 The Investigating Officer's finding was that Councillor Sutcliffe did not breach paragraph three of the Code (*using his position to improperly confer a disadvantage*) but did find that his conduct at the June meeting of Planning Committee fell short of the conduct expected of a Councillor. The Investigator's recommendation was for local resolution however, as the Complainants did not consider that local resolution was a fair or adequate resolution, the matter was referred for a local hearing before the Hearings Panel.
- 3.3 The Hearings Panel met on the 12th July and after hearing from the Investigator, Councillor Sutcliffe and his representative and also obtaining the views of the Independent Person, the Panel concluded:
- (I) The Panel accepted the Investigator's findings of fact as set out in his investigation report dated 14th November 2017.
 - (II) The Panel concluded that Councillor Sutcliffe did breach the Code in this his decision to uninvited the Highways Authority to the Planning Committee meeting on the 4th June 2017, in part, sought to improperly confer an advantage on himself in that the meeting would be easier to chair.
 - (III) The Panel also concluded that Councillor Sutcliffe breached the 'Nolan Principles' of '*openness*' and '*accountability*' in the manner in which he omitted to clarify the reasons why the officer of the Highways Authority was not present, leaving members and the public with the impression that the officer had declined to attend.
- 3.4 The Hearings Panel imposed the following sanction:
- (I) The Panel's findings to be published on the Council website and reported to full Council at its meeting on the 7th August 2018;
 - (II) Councillor Sutcliffe was recommended to apologise to the next meeting of Planning Committee in conjunction with the Monitoring Officer for his failure to make clear that he had instructed that the Highways Authority did not attend the meeting on the 4th June 2017.
- 3.5 Councillor Sutcliffe has since apologised to members of the Planning Committee – an extract from the draft minutes is attached as Appendix A.
- 3.6 The Hearing Panel's findings were published on the Council website and the Chairman, Councillor Ireton, reported the matter to full Council at its meeting on the 7th August.

3.7 Finally, the Panel instructed the Monitoring Officer to take action to address a governance failure identified by the Investigator and to report the action taken to Standards Committee. A report will be presented to the next meeting.

4. **Implications**

4.1 **Financial Implications** – None arising directly from the report.

4.2 **Legal Implications** – These are set out in the body of the report.

4.3 **Contribution to Council Priorities** – Improving how the Council governs its business.

4.4 **Risk Management** – Not applicable.

4.5 **Equality Analysis** – Not applicable.

5. **Consultations with Others** – Not applicable.

6. **Access to Information: Background Documents** – Not applicable.

7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravenc.gov.uk.

Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

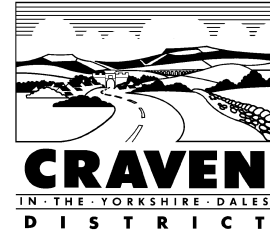
8. **Appendix A** – Extract from the draft minutes of Planning Committee (30th July 2018)

Appendix A

Extract from minutes of the Planning Committee 30th July 2018

Chairman's Statement : The Chairman made the following the statement *“Members present today who were on the Committee in 2017 will recall that in June 2017 we determined a residential application on behalf of Candelisa. The application had been deferred from the March meeting. In consequence of County Highways deciding to re-look at the highways implications, and their revised findings not being available until May, the application could not be considered until the June meeting. A subsequent Standards Hearing investigating the progress of this application has recommended that I should apologise to the Planning Committee for my explanation that day of who had cancelled a request made at the March meeting for the attendance of a representative of County Highways. They concluded that my explanation had not been adequately specific leading Members to wonder if it had been made outside the Committee's hands. I am pleased to unreservedly apologise to Members today for that lack of clarity, and confirm the decision to arrange for a message to be sent to County Highways declining their attendance, was my own.”*

Standards Committee – 19th September 2018



DISPENSATION SCHEME

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – to review the Council's Dispensation Scheme.
2. **Recommendations** – Members are recommended to:
 - 2.1 Note the contents of this report; and
 - 2.2 Consider the current Dispensation Scheme and decide what action, if any, to take.

3. **Report**

Introduction

- 3.1 At its meeting on the 4th July 2018, this Committee agreed a work programme in line with the Committee's terms of reference. A review of the Council's Dispensation Scheme was included in that work programme.

Background

- 3.2 As Members will be aware, the Localism Act 2011 made significant changes to the provisions on dispensation.
- 3.3 Under section 33 of the Act, a relevant authority is empowered, upon written request, to grant dispensations for up to four years for a member or co-opted member to be able to participate in and vote at meetings where they have a disclosable pecuniary interest if, having regard to all relevant circumstances, it considers:
 - (a) That so many members of the decision-making body have disclosable pecuniary interests ('DPIs') in a matter that it would "impede the transaction of the business";
 - (b) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
 - (c) That the authority considers that the dispensation is in the interests of persons living in the authority's area;

(d) *that, without a dispensation, no member of the Cabinet/Executive would be able to participate on this matter, or*

(e) that the authority considers that it is otherwise appropriate to grant a dispensation.

These are the grounds under which a dispensation may be granted but ground (d) does not currently apply to this Council.

Current Arrangements

3.4 At a meeting of full Council on the 24th April 2012, the Council delegated the power to grant dispensations as follows:

Ground (a) to the Monitoring Officer with an appeal to a Standards Sub-Committee;

Grounds (b), (c) and (e) to standards Committee, after consulting the Independent Person.

(Minute CL.646)

3.5 The Council considered that in respect of ground (a), which involves an objective assessment of whether the criteria is met, it was appropriate to delegate authority to grant dispensations on this ground to the Monitoring Officer.

3.6 In respect of grounds (b), (c) and (e), the assessment of these grounds involves a value judgement, being less objective, and the Council therefore considered it appropriate that the discretion to grant dispensations on these grounds was delegated to the Standards Committee.

3.7 The Council has applied the same procedure to interests under Appendix B of the Code of Conduct for Members.

3.8 Since 2012, nine dispensations have been granted: seven to individual members and two have been granted to all members to enable them to participate and vote in relation to setting the Council Tax or other precept.

Review

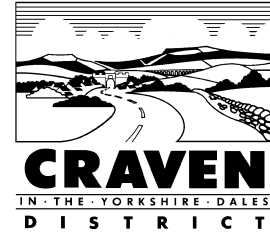
3.9 The circumstances in which a dispensation can be granted are set out in legislation and whilst those relate specifically to DPIs, the Council has extended the regime to include Appendix B interests.

3.10 Members are asked to review the current arrangements and consider whether any action is necessary, and if it is, the nature of that action.

4. Implications

- 4.1 **Financial Implications** – There are no direct financial implications arising from this report.
- 4.2 **Legal Implications** – These are set out in the body of the report.
- 4.3 **Contribution to Council Priorities** – Not applicable.
- 4.4 **Risk Management** – Not applicable.
- 4.5 **Equality Analysis** – Not applicable.
5. **Consultations with Others** – None.
6. **Access to Information: Background Documents** – Not applicable.
7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravendc.gov.uk.
8. **Appendices** – None.

Standards Committee – 19th September 2018



MONITORING REPORT

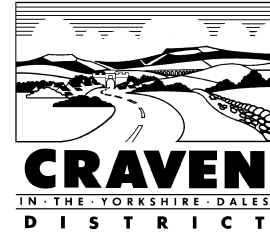
Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – To update Members following the last report to Committee on the 4th July 2018.
2. **Recommendations** – Members are asked to note the contents of the report.
3. **Report**
 - 3.1 The usual monitoring report is attached at Appendix A.
 - 3.2 A verbal update will be given at the meeting, if required.
4. **Implications**
 - 4.1 **Financial Implications** – None arising directly from the report.
 - 4.2 **Legal Implications** – None.
 - 4.3 **Contribution to Council Priorities** – Not applicable.
 - 4.4 **Risk Management** – Not applicable.
 - 4.5 **Equality Analysis** – Not applicable.
5. **Consultations with Others** – None.
6. **Access to Information: Background Documents** – Not applicable.
7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravenc.gov.uk.
8. **Appendices** –
Appendix A – Monitoring report

Date complaint received	Reference	Status	Alleged Breach
23 June 2017	AM.1480	Hearings Panel met on 12 th July 2018 and imposed sanctions.	District Councillor. Behaving in a disrespectful manner and/or seeking to confer an advantage/disadvantage and/or failing to use the Council's resources in accordance with its requirements.
11 May 2018	AM.1687	Decision Notice issued on 30 th July 2018. No further action.	District Councillors. Failure to comply with the principles of <i>selflessness, objectivity, accountability, leadership</i> and <i>integrity</i> as described in Appendix C of the Code.

Standards Committee – 19th September 2018



OFFICERS' CODE OF CONDUCT

Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

1. **Purpose of Report** – to seek Members views on a proposal to issue supplemental guidance to support the Officer's Code of Conduct.
2. **Recommendations** – Members are invited to note the report and to provide a formal response to the proposal to introduce the supplemental guidance.
3. **Report**
 - 3.1 Members may recall that, as part of the Committee's work programme for 2015/16, the Committee carried out an extensive review of the Officers' Code of Conduct. This resulted in a revised Code being adopted by Council in August 2015 (CL.853).
 - 3.2 Part two of the Code, the section which deals with scope, states "*the Code is supplemented by professional guidance regarding standards of conduct in particular areas of work*". A recent incident involving an officer of the Council has resulted in a review of the Council's formal procedures concerning professional boundaries. As a consequence of this review, the Council's Housing Options Manager has produced draft supplemental guidance entitled 'Professional Boundaries and Familiarity with Applicants'.
 - 3.3 A copy of the draft supplemental guidance is attached at Appendix A.
 - 3.4 The terms of reference for Standards Committee include "*review ... Codes of Conduct and other local codes and protocols and recommend changes to the Council Meeting*" and to "*consider other areas where there may be a need for local codes and protocols and make appropriate recommendations*". Members' views are sought on the proposal to introduce the supplemental guidance and also on the content. The Committee's views will be considered by the Council's Corporate Leadership Team along with any other consultation responses.
 - 3.5 The guidance, if adopted, will form part of the Council's Human Resources suite of policies and procedures.
4. **Implications**
 - 4.1 **Financial Implications** – None arising directly from the report.

- 4.2 **Legal Implications** – None.
- 4.3 **Contribution to Council Priorities** – Not applicable.
- 4.4 **Risk Management** – Not applicable.
- 4.5 **Equality Analysis** – Not applicable.
5. **Consultations with Others** – Corporate Leadership Team
6. **Access to Information: Background Documents** – Not applicable.
7. **Author of the Report** – Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravenc.gov.uk.
8. **Appendices** –
Appendix A – Draft supplemental guidance.

Professional Boundaries and Familiarity with Applicants Guidance for Staff.



All employees of the Council are bound by the “Officers Code of Conduct”, which sets out the key principles of behaviour and conduct in the work place. **The Code allows supplementary guidance to be issued**, which is the purpose of this document. Failure to observe this Guidance will be regarded as serious and any breach may result in disciplinary measures.

If there is any uncertainty about anything in this document, then staff should consult with the Housing Options Manager or other senior manager.

Within this document, the term “staff” means anyone working within the Housing Options Team employed by CDC, and the term “customer” means: anyone who is currently receiving a service from the Housing Options Team (housing advice, homelessness, homeless prevention) or has done so within the last 6 months; current applicants to the housing register, or those housed within the last 12 months.

2. General principles

Staff must adhere to the following in their relationships with customers and agencies:

- There must be no favouritism, or the appearance of favouritism shown with customers, either individually or with customers of a particular agency or support worker.
- Staff must not present themselves as superior in any way, and always be prepared to admit error, or lack of knowledge.
- Customers must never be made to feel indebted to or that we are doing them a favour by providing a service.
- Staff must never give the impression that rules have been “bent” or policies not followed in order to give the customer something that they were not entitled to.
- Previous experience with a customer, members of their family, support worker or advocate must not be allowed to cloud any judgements made and should not affect the quality of service offered.
- Staff must never “turn a blind eye” to criminal activity or safeguarding /abuse issues which should always be discussed with the Housing Options Manager
- Information should only be disclosed in line with shared protocols, information sharing agreements and Data Protection

3. Relationships with Customers

- Whilst officer should be helpful and approachable to all customers they must not overstep professional boundaries and make friends with a customer.
- Staff must not allow customers to visit their homes or develop relationships with their friends or family members.
- Staff must not share personal email or phone details and must not be 'friends' or 'followers' of customers on any social networking sites.
- Staff should not enter into a sexual relationship with a customer.
- There must never be any financial transactions, buying, selling, lending of money or possessions, exchanging or bartering between staff and customers.
- The informal looking after or holding of a customer's possessions or money should also never happen.
- Out of hours social contact must be kept to minimum. Staff who unavoidably "bump into" customers out of hours must be pleasant and civil, if approached, but should avoid socialising including buying and receiving drinks, accepting gifts, etc.

4. Working with agencies

Establishing and maintaining professional relationships with partner agencies is essential to carrying out our duties and achieving positive outcomes for customers. Over the course of time, friendships may develop between members of staff, and whilst this is acceptable, the general principles outlined above must always be followed.

If staff come under any pressure to "do favours" as a result of a friendship this should be flagged with the Housing Options Manager

Staff must always remember that they are representing the Council and conduct themselves in a professional manner at all times.

- Never represent or talk about the council in a negative light.
- Where staff have personal views that differ from the official position of the Council, their views should not presented under the Council's name.
- Conflicts of interest should be addressed openly and professionally.
- It is not appropriate to make disparaging remarks about an agency, a particular worker or call into question their professional decision making. Any concerns about the conduct of another agency or worker should be flagged to the Housing Options Manager, who will deal with it through the appropriate channels.

6. Familiarity with applicants.

There will be occasions when staff know someone personally who approaches the service for assistance or applies to the housing register. Staff must ensure that private and personal

interests do not influence decisions, and that their position is not used to obtain personal gain of any sort for their families, friends or associates or those of any other member of staff.

To avoid themselves or the Council being open to allegations of misconduct, staff must notify the Housing Options Manager of any approaches that they receive from:

- Their family
- Their friends
- Their associates
- CDC Staff members and their families
- CDC councillors and their families
- Staff from other agencies and their families.

These terms should be interpreted in the widest possible context, and staff should also notify the manager of any other cases where they may be open to allegations that they have “done a favour” for someone e.g. someone working at the gym, hairdressers, butty shop. If there is any doubt then staff should ask their manager. Failure to disclose may be interpreted as an attempt to deliberately deceive for the purpose of gaining an advantage for the applicant.

The Housing Options Manager will decide if it is appropriate for the member of staff making the disclosure to deal with the case, and if not it will be allocated to another officer.

Staff should have **absolutely no involvement** with the case once it has been allocated to another officer and any involvement (including general discussion or offering advice or opinion on the possible outcome) will be seen as an attempt to influence the outcome for the applicants advantage and should be reported to the Housing Options Manager who will decide what further action to take.

A register will be kept of disclosed cases, and all cases must be signed off by the Housing Options Manager.

**Staff Declaration of Understanding of Staff Code
of Conduct**

As part of the implementation of the staff code of conduct, all staff should read the policy and declare below their understanding of it.

Staff Name:	Team:
Have you read the Staff Code of Conduct Policy?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you understand the implications and procedures if the Staff Code of Conduct is not followed?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If no to any of the above please state why.	
Are there any actions that could be taken to help you better understand the policy and procedures?	
Signed: Staff Member	Date:
Signed: Line Manager	Date: